

Message

---

**From:** Mutter, Andrew [mutter.andrew@epa.gov]  
**Sent:** 12/19/2018 9:00:37 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Subject:** FW: News Clips, 12/19/19

---

**From:** Lynn, Tricia  
**Sent:** Wednesday, December 19, 2018 2:00:34 PM (UTC-07:00) Mountain Time (US & Canada)  
**To:** AO OPA OMR CLIPS  
**Subject:** News Clips, 12/19/19

**Air & Radiation**

[Axios: Exxon asks EPA to regulate methane emissions from oil and gas](#)

[Lehighvalleylive.com: Are biosolids safe? EPA can't say for sure, federal report claims](#)

[Think Progress: Unable to challenge climate science, Trump's EPA targets climate law](#)

**Land & Emergency Management**

[The Times \(PA\): EPA releases remediation plan for former ARCO site in Potter](#)

**Mission Support**

[Think Progress: EPA staff morale hits rock bottom as Trump's anti-science agenda takes hold](#)

**Toxics & Pesticides**

[Chemical Watch: EPA publishes first TSCA 'unique identifiers' list](#)

**Water**

[Tennessean: EPA, Agriculture leaders rally farmers in Wilson County for clean water rule replacement](#)

[San Francisco Chronicle: EPA: No contamination in water delivered on Crow Reservation](#)

[The Penobscot Times: EPA gets authority to revisit tribal water standards](#)

## **The Times (PA): EPA releases remediation plan for former ARCO site in Potter**

<http://www.timesonline.com/news/20181219/epa-releases-remediation-plan-for-former-arco-site-in-potter>

By Jared Stonesifer, 12/19, 4:00 AM

The federal Environmental Protection Agency has finalized a remediation plan for 90 acres of contaminated land that formerly housed the ARCO Chemical facility.

POTTER TWP. — The federal Environmental Protection Agency has finalized a remediation plan for 90 acres of contaminated land that formerly housed the ARCO Chemical facility.

That land, which sits in close proximity to the Nova Chemicals site along the Ohio River, has been unused for decades and contains a slew of contaminants in the soil. The EPA's remediation plan covers both soil and groundwater monitoring in the area until compliance with environmental regulations is met.

The land in question became developed in 1942 by the Koppers United Co., which constructed a plant to manufacture organic chemicals used to make synthetic rubber.

The plant underwent numerous ownership changes over the years, including Sinclair-Koppers, ARCO and now Nova Chemicals. While Nova still operates a plant that produces polystyrene and other plastic feedstock, the remediation plan only covers inactive portions of land surrounding the plant.

Despite the soil and groundwater in the area being contaminated by benzene, toluene, ethylbenzene, xylenes, and styrene, the EPA did not take drastic remediation measures in its final report.

That's because, according to EPA documents, most of the remaining soil contamination exists at depths greater than 15 feet, and the land is "fully fenced and patrolled by security personnel to deter trespassing."

Despite that, the EPA has proposed inspection and maintenance requirements in the area to "ensure the long-term integrity" of remediation efforts. In addition, any development on the 90 acres will be restricted to industrial or commercial activities, as any residential development there is strictly prohibited.

Finally, any earth disturbance activities in the area must first be approved by the EPA and the Pennsylvania Department of Environmental Protection.

When it comes to groundwater remediation, the EPA determined that contaminant levels in the area are "stable or decreasing" and that contaminants are not migrating off-site. In addition, the contaminated groundwater is not currently being used for drinking water, "nor is it anticipated to be used for drinking water in the future."

Because the EPA doesn't expect any exposure to the contaminated groundwater, its remediation plan simply calls for containment in the area. That includes protecting nearby Raccoon Creek from any potential contaminants, and continuing to monitor the area to ensure contaminants are not migrating off-site.

For the purposes of remediation, the inactive land was split into four sectors: the 18-acre Raccoon Creek area, the 54-acre East Landfill area, the 14-acre West Landfill/Dravo Quarry Area and the four-acre Phthalic Anhydride plant area.

An entity called the Lyondell Environmental Custodial Trust owns the West Landfill and Raccoon Creek area, while the Beaver County Corporation for Economic Development owns the other two areas.

The EPA's final order concluded by stating that since the remediation plan mostly focuses on containment and doesn't include any far-reaching actions, the agency will not provide any financial assistance to help pay for ongoing efforts there.

Finally, the EPA noted that it did not receive any public comments regarding the plan, which has been available for inspection since August.

### **Think Progress: EPA staff morale hits rock bottom as Trump's anti-science agenda takes hold**

<https://thinkprogress.org/epa-employee-morale-trump-pruitt-wheeler-ff197297efd0/>

Mark Hand, Dec 19, 2018, 8:00 AM

Employee morale at the U.S. Environmental Protection Agency (EPA) has not improved since the departure of former administrator Scott Pruitt in July and, in fact, is worsening as President Donald Trump's political appointees grow more entrenched inside the agency, EPA employees tell ThinkProgress.

In the first year of the Trump administration, rumors swirled about massive employee layoffs and the possible closure of regional offices. President Donald Trump's dismissive attitude toward the use of science in developing rules and regulations contributed to fears among career employees about the agency veering away from its core mission.

That stress took an even greater toll on career EPA employees in the second year of the Trump presidency, according to Nicole Cantello, a chief steward with the American Federation of Government Employees (AFGE) Local 704 in Chicago.

"The employee morale is horrible here," Cantello told ThinkProgress. "A lot of employees kept up a pretty good morale under Pruitt because they thought they were fighting against something and that once he left, things would change for the better. But they haven't. So there was a letdown there."

Contributing to the anxiety are concerns about the EPA's implementation of a major reorganization plan. Career employees are worried the changes will lead to their transfers into new divisions. At the agency-wide level, they are concerned it will allow political appointees in Washington to exert tighter control over their work.

The employees are also stressed about their own job security after seeing so many of their colleagues leave since Trump took office. Furthermore, the Trump administration's constant attacks on the value of science for fighting climate change and pollution have contributed to the rock-bottom morale.

#### **Structural changes spur staff shrinkage fears**

One of the goals of the reorganization, announced by Acting EPA Administrator Andrew Wheeler in September, will be to make the EPA's 10 regional offices mirror headquarters. Each regional office, for example, would have eight divisions, matching the structure of headquarters.

Agency officials hope the reorganization will give headquarters staff a better look at how the regional offices operate. Employees worry the changes will transfer more power to EPA headquarters in Washington, D.C., where the agency can exert greater control over rule enforcement and scientific research.

None of the agency's 10 regional offices are expected to be closed or consolidated with another office as part of the reorganization.

Agency staff, such as enforcement staff and scientists, will be placed in their own silos, separating them from the diverse teams on which they previously worked. Employees who spoke to ThinkProgress contend that this isolation will lead to less effective regulation and will make it easier for top EPA officials to exert control over these separated groups of employees.

As part of the EPA's reorganization effort, existing employees — many of whom have worked for the agency for more than 30 years — are also being told to submit their resumes and transcripts of their college coursework to the personnel department, a requirement that isn't sitting well with longtime employees.

“Reducing the staff at the EPA is part of the overall game plan. And they’re achieving that through a combination of all the tools they’ve used — buyouts, retirements, early retirements, and terminations — without hiring replacements,” Mike Mikulka, president of AFGE Local 704, told ThinkProgress.

EPA Administrator Scott Pruitt holds up a hat that was presented to him before speaking to employees of the EPA. (CREDIT: AP Photo/Susan Walsh)

More than 700 employees have left the EPA since Scott Pruitt took over

At its peak staffing level in fiscal year 1999, more than 18,000 people worked for the EPA. Almost 20 years later, the EPA’s workforce has dropped by 22 percent. Since Trump took office, federal records show that nearly 1,600 workers have left the EPA through buyouts or retirements. Fewer than 400 employees have been hired since January 2017, creating a substantial net loss of staffers, many of whom are taking their hard-to-find expertise with them.

As of September 2018, the most recent date for which the agency has provided employee data, the entire EPA workforce totaled 13,981, down by more than 8 percent from April 2017, near the start of the Trump presidency, when the agency had a staff of about 15,220. In comparison, during the Obama administration, EPA staff numbers peaked at 17,359 in fiscal year 2011 before falling to 14,779 in 2016 and climbing back to 15,408 in 2017.

Workforce levels now stand below the count at the end of the Reagan administration — another Republican president who made cutting the size of the agency one of his top agenda items. In fiscal year 1988, President Reagan’s final year in office, the number of EPA employees totaled about 14,400.

The EPA’s workforce decline is occurring even though Congress has refused to cut the agency’s budget. Over the past two years, the Trump administration has proposed cutting the agency’s budget by more than 30 percent. Both years, Congress — Republicans and Democrats — voted to keep the agency’s budget at the same funding level as the final year of the Obama administration.

The EPA did not respond to ThinkProgress’ request for comment on the declining staff numbers.

“The concerns that we’ve been expressing all along are that the administration is trying to reduce EPA staff by any means possible,” Mikulka said. “They’re draining people out of here like there’s no tomorrow.”

First they came for the climate scientists

The EPA’s reduced emphasis on science could have long-term implications beyond the Trump presidency. Agency officials have told employees and advisory committee members, for example, that they want a “de-emphasis” on climate change across the agency.

Previously, EPA staffers thought the administration would go after only the jobs of agency scientists who were solely focused on climate change. “Now, they are finding that it could also be them,” said Cantello, a lawyer in the EPA’s Chicago office who has worked at the agency for almost 30 years.

In late September, for example, the EPA went after a top official who focused on children’s issues and was not a climate scientist. Dr. Ruth Etzel, director of the agency’s Office of Children’s Health Protection, was placed on administrative leave. After getting no explanation from the EPA about the change, Etzel spoke out publicly about how the agency was neglecting to take measures to protect children from lead poisoning and other environmental hazards.

With the Trump administration’s honeymoon period over, top EPA officials are making a bigger imprint across the agency, including in Region 5, the largest of the agency’s regional offices.

“It’s quite apparent that the administration is moving toward a situation where they will be able to control the voices of scientists, they will be able to control the research of scientists, and they’ll be able to control the work of scientists to ensure that the special interests win out again,” said Frank Lagunas, a union steward in the agency’s Chicago office and a water quality scientist for the EPA.

Lagunas, who also serves as the legislative and political coordinator for AFGE Local 704, feels an obligation to speak out about the changes that are occurring under the Trump administration, especially EPA headquarters' move toward centralizing control and its focus on shrinking agency staff numbers.

The EPA flag flies at the agency's headquarters in Washington, D.C. CREDIT: Robert Alexander/Getty Images  
Planned shake-up at EPA would make scientists more vulnerable to political interference, critics say  
"If we don't speak up, it's going to take decades to repair the damage that is being done," Lagunas said.

Region 5, for instance, has seen its workforce levels fall from 1,086 at the start of the Trump presidency to 982 employees by the end of September, a 9.6 percent decrease.

When Trump entered the White House in January 2017, one of his top priorities was to dismantle the EPA — or at least pursue all possible measures to drastically curb the agency's ability to fulfill its mission of enforcing life-saving environmental rules and regulations.

"Scientists are leaving the agency at such a rate that has never been seen," said Lagunas. "That's not a coincidence."

Under the Obama administration, EPA scientists would occasionally feel pressure from their managers to downplay the effects of air and water pollution on public health. But employees did not feel like their jobs were in jeopardy, Lagunas said.

"With the Trump administration, absolutely your jobs are in jeopardy," he insisted. "You do fear for your job now and that you will be undermined. They will find a way to remove you from your position if you do not toe the line."

Skepticism of EPA grows among public

EPA employees are discovering that the general public is aware of the major changes occurring at the agency under Trump. When EPA employees go into communities, they often hear citizens express skepticism about the agency's true intentions, a feeling that wasn't as pronounced under previous administrations.

"The striking difference since 2016 has been when I'm out in the community, people seem to be a little more uncertain about steps that the EPA might take in the community," said Heriberto Leon, a union steward for AFGE Local 704 and a community involvement coordinator for the EPA's Superfund program.

"The way that that expresses itself is at community meetings," explained Leon. "People will ask questions like, 'Is EPA going to be around to finish up the cleanup at this site? Will EPA have enough funding to be able to do what you are saying is the proposed plan to clean up at this site?'"

A sign, placed by the EPA, warns people not to play on the lawn at the West Calumet Housing Complex, an EPA Superfund site, on April 19, 2017 in East Chicago, Indiana. CREDIT: Scott Olson/Getty Images  
A SIGN, PLACED BY THE EPA, WARNS PEOPLE NOT TO PLAY ON THE LAWN AT THE WEST CALUMET HOUSING COMPLEX, AN EPA SUPERFUND SITE, ON APRIL 19, 2017 IN EAST CHICAGO, INDIANA. CREDIT: SCOTT OLSON/GETTY IMAGES  
The Trump administration's most high-profile policy changes at the EPA have been the rollbacks of numerous clean air and clean water regulations. Under both Pruitt and Wheeler, the EPA has proposed to weaken key regulations that protect air and water.

Asked if there are differences in how the EPA communicates with the public under the Trump administration, Leon acknowledged that "even during the Obama administration, communication could be very heavily controlled."

Under the Trump administration, though, EPA headquarters highlights Superfund cleanups as its priority in press releases on a regular basis. Under President Obama, the EPA did not tout the goals or achievements of the administration as frequently as it does under Trump, Leon said.

Many of the Trump administration's environmental rollbacks, however, have been overturned in court. But even if the courts routinely side with environmental groups, the Trump administration has another option at its disposal to reduce the power of the EPA: cutting workforce levels. Without adequate staffing levels, the EPA cannot carry out its legal mandate to protect the environment and public health.

EPA staffers view the current reorganization effort to create a more centralized system at the EPA as another hardship placed on employees, explained Mikulka, and another way that the Trump administration is trying to get people to quit their jobs or be less effective at their jobs.

The reorganization plan "is taking employees' time away from doing their normal work, which is supposed to be protecting human health and the environment," Mikulka said. "I'm not sure the administration really wants to protect human health and the environment with all the initiatives they have going and the rule rollbacks."

"They're draining people out of here like there's no tomorrow."

Mikulka emphasized that employee morale at the EPA has not improved with Wheeler taking over as EPA's interim head. Both men pursued the same aggressive deregulatory agenda; the only difference between the two is that Wheeler has yet to experience a string of ethical lapses similar to Pruitt's, he said.

According to a new survey released December 12 by the Partnership for Public Service and Boston Consulting Group, job satisfaction fell in 2018 at a majority of federal agencies, including the EPA. EPA employees also gave their senior leaders a score of 38 out of 100, a 7-point decline from last year.

So, as morale drops, staffing levels decline, and employees are not replaced, environmental enforcement could suffer in EPA offices across the country. "It's hard for someone in D.C. to say what's going on in rural Wisconsin," Mikulka emphasized. "At least here, we have a better handle on that. It's another tactic that they are using to cut the staff at the EPA."

In the Chicago office, a total of \$3 million allocated to the region was left unused in fiscal year 2018 because the employee count had dropped so low, noted Mikulka, who doesn't remember large sums of appropriated funds for the EPA getting left on the table in prior administrations.

"If the administration wants to reduce staff at the EPA and Congress appropriates the money, if you go slow on hiring then you won't have an adequate staff at the EPA," he said. "The president's goal of reducing the staff by 40 or 50 percent by the end of his first term in office will then be achieved."

EPA sees across-the-board staff decline

In EPA regional offices — which are crucial to carrying out the agency's agenda — staff numbers dropped from 7,257 in April 2017 to 6,650 in September 2018.

The Region 7 office in Kansas City saw the biggest decline during this time period, with its workforce shrinking 12.8 percent to 455 employees. The region oversees states where agriculture is among the biggest industries. Agribusiness interests have been among the most vocal critics of the EPA's clean water and air rules.

The New York office, which oversees Region 2, saw its numbers drop about 5.7 percent to 743 staffers. Here, the EPA likely decided against a reduction in the staffing levels because the regional office includes Puerto Rico and the U.S. Virgin Islands and the agency has been helping the islands recover from Hurricane Maria, Judith Enck, former EPA Region 2 administrator, told ThinkProgress.

Staffing inside the EPA's major offices also is on the decline. The Office of Enforcement and Compliance Assurance has fallen in both years of Trump's presidency. By September 2018, the office had dropped to 623 employees, down from 730 in April 2017.

Meanwhile, workforce levels in the EPA's Office of Research and Development also remain on a downward trend. Between April 2017 and December 2017, the office saw its staffing levels drop from 1,680 to 1,596. In 2018, the office's employee count dropped off again, falling to 1,504 employees by September.

Elsewhere inside the EPA, the Office of Chemical Safety and Pollution Prevention lost 59 employees between April 2017 and December 2017. The office saw its staff numbers stabilize, however, growing slightly from 968 a year ago to 972 in September 2018.

Many EPA employees have resigned since Trump took office out of frustration with the administration's goal of rolling back environmental regulations. Other employees have pledged to stick it out at the EPA, despite the anxiety that comes with working for an agency under constant attack by the president.

The polluter-friendly priorities of the Trump administration will make it more difficult to fight climate change in the United States and will lead to greater contamination of the air and water. Low-income neighborhoods and communities of color, many of which are located near fossil fuel-fired power plants or oil refineries, are expected to face a disproportionate impact from Trump's emphasis on gutting the EPA.

"EPA staff were stretched even before the Trump administration unilaterally decided to embrace deregulation and not enforce environmental laws," Enck said. "Cuts to enforcement staff, in particular, will result in increased levels of air and water pollution and exposure to toxic chemicals."

#### **Tennessean: EPA, Agriculture leaders rally farmers in Wilson County for clean water rule replacement**

<https://www.tennessean.com/story/news/2018/12/18/epa-clean-water-act-repeal-wilson-county-farmers/2347631002/>

Mike Reicher, Nashville Tennessean Published 5:24 p.m. CT Dec. 18, 2018

Top federal officials traveled to the Wilson County fairgrounds outside of Nashville Tuesday to promote the Trump Administration's proposal to weaken a federal clean water regulation.

Andrew Wheeler, acting administrator of the U.S. Environmental Protection Agency, and Secretary of Agriculture Sonny Perdue called on Tennessee farmers to engage in the contentious debate.

Trump officials want to limit which bodies of water are subject to the Clean Water Act, the 1972 landmark legislation that protects streams, rivers and other bodies of water from uncontrolled development and pollution.

Last week, Wheeler announced a proposal to replace the Obama administration's 2015 rule defining "Waters of the United States." Under the new proposal, some streams would no longer fall under federal jurisdiction, for instance, because they only flow during rainstorms (so-called "ephemeral" streams) or are isolated from other waterways.

Opponents characterized the Obama rules as a "land grab" that infringed on private property rights, burdening rural property owners with unnecessary permitting and unpredictable fines.

The 2015 rule has been tied up in litigation and, for the most part, has not been enforced. Today, 22 states, including Tennessee, operate under the 2015 rule, while others are under previous standards.

"They claimed it was in the interest of water quality, but it was really about power," Wheeler said of the previous administration's rule change. "We are providing the certainty that the American public needs, and in a manner that will be upheld by the courts."

Environmentalists slam proposal

Environmentalists slammed the EPA proposal as a "giveaway to polluters." The smaller waterways, they point out, feed into rivers and streams used for drinking water and recreation.

"Pollution flows downstream," said Anne Passino, staff attorney at the Nashville office of the Southern Environmental Law Center. "The vast majority of Tennesseans get their drinking water from a source that relies on these ephemeral streams."

Scientists have found that wetlands can act as a sponge, absorbing toxic herbicides and other chemicals before water reaches groundwater aquifers.

Tennessee has already seen many of its wetlands lost to development; one U.S. Geological Survey report from the 1990s found as much as 59 percent of the state's wetlands had been lost since the 18th century, primarily due to human activities.

Wheeler, in an interview with The Tennessean before his appearance, said that the Clean Water Act was not meant to regulate groundwater, and that the administration was adhering to the law's original reference to "navigable waters."

"This is a legal definition," he said. "You could look at the entire world and say, 'the entire world is connected by water.'"

Farmers at the Wilson County Exposition Center cheered the presentation by the federal officials, politicians and agricultural leaders. Philip Lea, 59, is a beef cattle farmer from Wilson County who watched in the hall with large farm tractors on display.

"It'll give a whole lot of people peace of mind," said Lea, who has 100 head of cattle.

American Farm Bureau Federation President Zippy Duvall told the crowd it was "a good day in American agriculture" and encouraged farmers to submit comments on the EPA proposal.

In Tennessee, the proposed rule could have little effect if enacted, which could be years off because of expected litigation. Already, the state Water Quality Control Act has an expansive definition of "waters of the state" that are subject to permits and regulation.

But some environmentalists worry state legislators could roll back state water quality regulations to match this proposed federal standard, as they did earlier this year with industrial livestock farms.

Already, 36 states are constrained in their ability to regulate waters that aren't covered by the Clean Water Act, according to a 2013 study from the Environmental Law Institute.

Reach Mike Reicher at mreicher@tennessean.com or 615-259-8228 and on Twitter @mreicher.

#### **Axios: Exxon asks EPA to regulate methane emissions from oil and gas**

<https://www.axios.com/exxon-epa-regulate-methane-emissions-oil-gas--0befdde6-e0fe-49db-a200-38299853b43d.html>

By Amy Harder, 7:00 PM, 12/18/18

ExxonMobil Corp., the world's biggest publicly traded oil company, is calling on the Environmental Protection Agency to regulate emissions of methane from all new and existing oil and gas wells across the country, according to a letter obtained by Axios.

The big picture: Methane, a potent greenhouse gas, is the primary component of natural gas and is sometimes purposefully or inadvertently leaked in the production and transport of the fuel, as well as when drilling for oil. The EPA has been slow in its approach toward rolling back Obama-era methane rules, in part due to industry divisions.



Details: Through its subsidiary XTO Energy, Exxon is one of America's biggest producers of natural gas. It has two reasons to back such a regulation.

Exxon is facing pressure from investors and lawsuits over climate change. By calling for regulations, it's an attempt to show Exxon wants gas to be as clean as possible, even if those regulations never happen. "We believe the correct mix of policies and reasonable regulations help reduce emissions, further supporting the benefits of natural gas in the energy mix," writes Gantt Walton, vice president in Exxon's Washington office, in the letter sent as part of the regulatory process.

As a massive global company, Exxon is positioned to benefit financially over smaller companies. It can easily afford pollution-control equipment that others have a harder time obtaining.

Between the lines: This is a subtle escalation in Exxon's positioning on this issue. The company has previously said it backs federal methane regulations, but — until now — had not gone as far as to ask the EPA to do so in writing.

It's also significant that Exxon is asking the agency to regulate methane emissions from existing wells, which would affect hundreds of thousands of wells. Under Trump, the EPA is very unlikely to do this. President Obama's EPA had started the initial groundwork for such a rule, but didn't get far before Trump took over.

What's next: This letter is in response to a technical rollback EPA is undertaking. The agency is expected to propose a broader rollback of the rules soon.

#### **Lehighvalleylive.com: Are biosolids safe? EPA can't say for sure, federal report claims**

<https://www.lehighvalleylive.com/news/2018/12/are-biosolids-safe-epa-cant-say-for-sure-federal-report-claims.html>

By Kurt Bresswein, Updated Dec 18, 8:45 PM; Posted 7:10 AM

A federal investigative report calls into question government claims about the safety of biosolids -- fertilizer made from processed human sewage sludge.

The report issued last month by the U.S. Environmental Protection Agency Office of Inspector General describes inadequate science behind the approved use of biosolids for land application. Under the question "Are biosolids safe?" on the EPA website, "this constraint is not disclosed," the report states.

EPA officials dispute some of the findings of the agency's own inspector general, and an industry group calls the report's tone "unnecessarily alarmist."

The OIG report makes 13 recommendations, but says the EPA provided acceptable corrective actions and milestone dates in response to only eight. The remaining five remained unresolved at the time the report was issued Nov. 15.

Biosolids have been used on as many as dozens of farms in the Lehigh Valley, according to the Pennsylvania Department of Environmental Protection. The DEP is aware of the report and reviewing it, spokeswoman Colleen Connolly said this week.

Nationwide, about 47 percent of biosolids generated by "major publicly operated" wastewater treatment plants "are applied to land to improve and maintain productive soils and stimulate plant growth," the report states.

In the Slate Belt, Plainfield Township is home to the proposal from Synagro Technologies Inc. to build the Slate Belt Heat Recovery Center -- a plant for processing sewage sludge into biosolids, which can also be used for industrial fuel.

"According to the EPA and other stakeholders interviewed, there have been no reports of cases of significant health or environmental damage resulting from the land application of biosolids," the report states. "Nevertheless, many of the

same stakeholders we spoke with told us that more research is needed to determine whether currently unregulated and emerging pollutants found in biosolids are harmful and should be regulated."

Proposed sewage sludge treatment plant reps call for vote in Slate Belt  
Proposed sewage sludge treatment plant reps call for vote in Slate Belt

Sewage contains four major types of pathogens: bacteria, viruses, protozoa and parasitic worms called helminths, the report states, citing the U.S. Centers for Disease Control and Prevention. To create Class A biosolids, which receive more thorough treatment than sludge used to form Class B biosolids, the EPA has approved six pathogen reduction alternatives, according to the report.

The EPA also oversees testing in biosolids for nine heavy metals to ensure they are within acceptable concentrations: arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium and zinc.

But beyond those nine, "the EPA identified 352 pollutants in biosolids. The EPA does not have complete risk assessment information on these pollutants; therefore the agency cannot say, whether the pollutants are safe or unsafe when found in biosolids," the Office of Inspector General report states.

The OIG further says it compared those 352 pollutants to three federally maintained lists of hazardous substances and found 61 of the pollutants cross-listed. Of those 61 biosolids pollutants, according to the report:

32 are hazardous wastes under the Resource Conservation and Recovery Act, including four described as acutely hazardous.

35 are EPA priority pollutants.

16 are on the National Institute for Occupational Safety and Health's list of hazardous drugs.

The report raises "unanswered questions with respect to the long-term effects" of trace pharmaceuticals and chemicals and "concerns that biosolids may be creating antimicrobial-resistant strains of pathogens that can adversely impact human health."

Federal regulations for biosolids do not require the EPA to obtain the data necessary to complete risk assessments on these 352 pollutants, according to the report. Even if assessments were required, the EPA in 2013 under President Barack Obama consolidated its oversight of biosolids compliance monitoring and enforcement into the Biosolids Center of Excellence, the report states:

"At the time of our review, there were two staff at the center."

By reducing staff and resources, the EPA is "creating barriers" in biosolids enforcement, the report asserts.

"Without such data, the agency cannot determine whether biosolids pollutants with incomplete risk assessments are safe," the Office of Inspector General found. "The EPA's website, public documents and biosolids labels do not explain the full spectrum of pollutants in biosolids and the uncertainty regarding their safety. Consequently, the biosolids program is at risk of not achieving its goal to protect public health and the environment."

Biosolids are something residents across the Lehigh Valley have had to adjust to.

"Most biosolids are applied to fields in the fall and early spring when standing crops are not present," though not when fields are covered with snow or frozen, the Penn State Extension says on its website.

Offensive odors in biosolids are most often caused by sulfur, mercaptans, ammonia, amines and organic fatty acids, according to the EPA.

"The beauty of biosolids is that (it) is an abundant source of food for microorganisms including proteins, amino acids and carbohydrates. These beasts in biosolids degrade these energy sources and odorous compounds are formed," states an EPA "Biosolids and Residuals Management Fact Sheet."

In its response to the inspector general's report, EPA administrators blast a lack of any "attempt to make it clear to the reader that the occurrence of pollutants in biosolids does not necessarily mean that those pollutants pose a risk to public health and the environment."

"We are particularly concerned about how the science is presented in the OIG report," wrote the administrators in the agency's Offices of Water and Enforcement/Compliance Assurance. "It is biased and raises alarm due to the use of narrowly selected studies and examples, and information that is taken out of context or that is not relevant to the Clean Water Act (CWA) statutory requirements. Also, the subject is presented in a scientifically debatable manner."

Bill Toffey, executive director of the Mid-Atlantic Biosolids Association, disputes that science has not kept up with the use of biosolids. He argues there has been substantial research, including by private groups and state agencies.

"It's not like the science hasn't continued," the biosolids industry group representative told lehighvalleylive.com. "It's just that the EPA hasn't folded it into their mechanism of regulatory assessments. We feel that the tone of the OIG report was unnecessarily alarmist."

Converting sewage sludge to biosolids is a beneficial way to reuse something every human creates every day, he said, with the alternatives being landfilling or incinerating it.

"The reason we have land application of biosolids is because it works for the farmer, is because it actually does provide an extra kick in soil fertility and crop production above and beyond what you can achieve with chemical fertilizers," said Toffey, whose association is based in Philadelphia.

Kurt Bresswein may be reached at [kbresswein@lehighvalleylive.com](mailto:kbresswein@lehighvalleylive.com). Follow him on Twitter @KurtBresswein and Facebook. Find [lehighvalleylive.com](http://lehighvalleylive.com) on Facebook.

#### **San Francisco Chronicle: EPA: No contamination in water delivered on Crow Reservation**

<https://www.sfchronicle.com/news/article/EPA-No-contamination-in-water-delivered-on-Crow-13477612.php>

Dec. 19, 2018 Updated: Dec. 19, 2018 7:47 a.m.

BILLINGS, Mont. (AP) — Test results show no evidence of E. coli bacteria contamination in water delivered to about 3,000 people on Montana's Crow Indian Reservation.

The U.S. Environmental Protection Agency tested water systems in Wyola and Pryor after government investigators raised concerns about lax water quality monitoring.

EPA spokesman Rich Mylott said Wednesday none of the tests showed evidence of E. coli bacteria, which can come from animal or human waste. Mylott says water delivered in Crow Agency also shows no contamination.

Investigators also identified problems with water that feeds into the system. Mylott says the EPA is working with the tribe to resolve all concerns.

Tribal officials plan a new water delivery system for the reservation but the effort has been hampered by financial troubles, including millions of dollars in unaccounted-for money.

### **The Penobscot Times: EPA gets authority to revisit tribal water standards**

<https://www.sunjournal.com/2018/12/19/epa-gets-authority-to-revisit-tribal-water-standards/>

Posted 8:39 AM, 12/19/18

The Penobscot Indian Nation continues its fight against a federal government effort to revisit water quality standards that the Obama administration placed on waters used for tribal sustenance fishing.

A Maine tribal nation is fighting a federal judge's move to allow the Environmental Protection Agency to rework strict water quality standards the Obama administration put in place on rivers fished by tribes.

The years-long battle over water quality started in 2014, when the Maine Department of Environmental Protection filed suit against the US Environmental Protection Agency to overturn water quality standards that were enacted and specifically required more stringent standards for tribal fishing water.

The current EPA, meanwhile, wants to make "substantive changes" to those stricter standards, leading the Penobscots to fear wholesome – and most likely, not for the better – changes will be made. US District Court Judge Jon LEvy last week gave the EPA a year to review the standards, leaving the current ones on place for that time.

According to reports the Penobscots asked the court to stay with the Obama administration rules to ensure that the waters are not polluted.

Governor-elect Janet Mills said in a statement that she will work to ensure that the state has the best water quality standards possible and that sustenance fishing is protected. Maine's tribes slammed Mills when she was serving as attorney general for the state's efforts to fight higher standards.

"We have a very environmentally conservative Trump administration in place that now has the opportunity to reconsider the Obama administration's decisions protective of tribal water quality," attorney Kaighn Smith, who represents the Penobscots, told the the Associated Press. "Maine has forever taken the position that the sustenance fishing rights of the Penobscot Nation is nothing more than an opportunity to catch whatever fish might be available, even if they're laden with toxins. We think in this era, that's just dead wrong."

### **Chemical Watch: EPA publishes first TSCA 'unique identifiers' list**

<https://chemicalwatch.com/72914/epa-publishes-first-tsca-unique-identifiers-list>

19 December 2018

The US EPA has published its first annual list of 'unique identifiers' for TSCA substances with confidential chemical identities.

Released on 12 December, the list covers the 157 substances for which the EPA has approved a confidentiality claim since the June 2016 amendments to TSCA.

For each substance, it includes its:

- unique identifier (UID);
- case number and accession number;
- generic name; and
- date when the confidentiality claim is set to expire unless it is resubstantiated and reapproved.

Assignment of UIDs – and annually publishing a list of those identifiers – was a requirement put in place by the Lautenberg Act.

The intent is to allow the public to link up available non-confidential information about substances with identities protected as confidential business information (CBI), without divulging the latter. But in May 2017 the EPA noted challenges with the law's requirements to uniformly apply these identifiers without inadvertently disclosing the identity.

After consulting for more than a year on several options, the EPA finalised an approach in June that calls for assigning a single UID to each substance protected as CBI and applying it to non-confidential information, except where its application could allow the public to work out the substance's identity.

**Think Progress: Unable to challenge climate science, Trump's EPA targets climate law**

<https://thinkprogress.org/climate-science-trump-epa-targets-climate-law-09e4292c24ce/>

By Phil Newell (Nexus Media); DEC 19, 2018, 1:17 PM

In 2007, the Supreme Court ruled that if the Environmental Protection Agency (EPA) determined that carbon dioxide emissions threaten public health, the EPA would be required to regulate them. In 2009, the EPA completed its assessment, determining that, yes, carbon pollution endangers public health by changing the climate.

This conclusion is known as the endangerment finding, and it's the legal bedrock of federal climate protections. It's also the white whale of climate change deniers.

While conservative think tanks have called for the finding to be overturned, it would be difficult to defeat in court given the mountain of evidence showing carbon pollution is worsening climate change, imperiling public health.

A paper published in Science last week shows that in the decade since the initial finding, the evidence supporting the endangerment finding has only mounted. Not only has the science solidified around issues of public health and sea-level rise, but this new report notes that climate change also threatens the public by spurring violence, fueling political instability and hampering economic growth.

This is perhaps one reason why the Trump administration has refrained from mounting a full-scale assault on the endangerment finding itself and is instead merely looking to limit its scope.

For example, a recent proposal to weaken Obama-era limits on carbon pollution from new power plants includes an important footnote calling for public comment on the "correctness of the EPA's interpretations" of the endangerment finding. The footnote suggests two ways the EPA might reinterpret the finding that would make it difficult to enact new limits on greenhouse gas pollution.

First, it questions whether the agency should have to issue a separate endangerment finding for each specific source of pollution, such as power plants, pipelines and drilling sites.

Under President Obama, the EPA considered this issue and decided that as long as a sector was already listed as a polluter under the Clean Air Act, it could be regulated. This is historically how the EPA has interpreted the law. If this interpretation were to change, it would mean that the EPA would have to issue a new endangerment finding for each source of pollution, which would make it more difficult to craft new climate protections.

Second, the footnote questions whether the EPA should regulate carbon dioxide emissions from new coal-fired power plants given that few, if any, are projected to be built. Never mind that any amount of carbon pollution exacerbates climate change.

This fact hasn't stopped political appointees from questioning whether emissions from new plants "contribute significantly to atmospheric CO2 levels."

EPA air chief Bill Wehrum doubled down on this line of thinking in an interview with Bloomberg earlier this month, suggesting there needs to be a threshold that emissions must surpass to be considered a significant contributor to air pollution.

In that interview, Wehrum also questioned whether the oil and gas sector emits enough methane to qualify as a significant contribution, which is relevant given that the EPA is attempting to loosen methane regulations on drilling operations. Methane is a shorter-lived but much more potent heat-trapping gas than carbon dioxide.

By reinterpreting the endangerment finding, Trump's EPA could weaken limits on carbon pollution without having to challenge the mountains of research showing that climate change poses a threat to public health. Thus, while the finding is unlikely to be overturned, vital climate protections are nonetheless at risk as political appointees may still find legal workarounds that let polluters have free rein.

Phil Newell writes for Nexus Media, a syndicated newswire covering climate, energy, policy, art and culture.

---

Tricia Lynn  
Office of Public Affairs  
U.S. EPA  
Office: 202.564.2615